S.B. CIVIL WRIT PETITION NO.4797/2004

Hazi Gul Hassan Ali and ors.

vs.

Disrict Judge, Bikaner and ors.

Date : 24.10.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.Mohan Singh for Mr.AK Singh, for petitioners.
Mr.DD Chitlangi, for respondents.

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Heard learned counsel for the parties.

The petitioners are aggrieved against the order dated 10.8.2004 by which the trial court rejected the petitioner's application under Order 6 Rule 16.

After going through the reasons given by the trial court and after going through the pleadings of the parties, I do not find any illegality in the order and the trial court rightly held that no case is made out for deletion of para no.8 of the plaint because of the reason that the plaintiffs asserted the fact on the basis of some material and that pleading cannot be said to be scandalous or unnecessary. Pendency of any earlier filed suit

can be ground for stay of proceedings in the subsequently filed suit but because of this reason, the pleading cannot be struck off on the ground that the issue is involved in another suit.

It is also submitted that the suit is at the final stage.

In view of the above, I do not find any reason to interfere in the impugned order.

Accordingly, this writ petition having no merits, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya